

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

USDC-SDNY
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DATE FILED: 08/25/2022

ROTEM ROSEN,

Plaintiff,

v.

ALEX SAPIR and 260-261 MADISON
AVENUE JUNIOR MEZZANINE LLC,

Defendants.

No. 20-CV-5844 (RA)

ORDER

RONNIE ABRAMS, United States District Judge:

For the reasons articulated at today's conference, Plaintiff's motion to dismiss Defendants' counterclaims is granted in part and denied in part—namely, counterclaims one and three survive, while the others are dismissed—and both parties' motions for partial summary judgment are denied. The Clerk of Court is respectfully directed to terminate the motions pending at docket numbers 46, 60, and 80.

In response to Rosen's objection to the Court's description of the entities that Rosen released his interests in as "Sapir Organization companies," the Court clarifies that the affiliation, or lack thereof, of those entities with the Sapir Organization had no relevance to the Court's ruling on that counterclaim. Nonetheless, the Court has instructed the court reporter to edit the relevant lines of the transcript of the oral ruling to read: (1) "it seems clear that the 'root' of that larger agreement is Sapir buying out Rosen's interest in various companies"; and (2) "... an obligation he incurred in exchange for Rosen releasing his interest in various companies, not in exchange for Rosen's release of claims." The Court has also requested that the court reporter edit the transcript of the oral ruling to clarify that the amount of the insurance loan was \$17.5 *million*, for the reasons discussed on the record.

SO ORDERED.

Dated: August 25, 2022
New York, New York



Ronnie Abrams
United States District Judge